

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. . . . Don't be afraid of freedom.

Those, my friends, are the words of former POW Jim Warner.

There are many issues in the Senate that need our attention today—a path forward in Iraq, our large and growing dependence on foreign oil, the threat of global warming, the skyrocketing cost of health care, just to name a few. These are pressing issues which demand action not just from the Congress but from the President, too—not in the next administration, not next year, now. Instead, we are spending this week debating a constitutional amendment—however well intentioned—that is truly, in my judgment, not needed in America today.

Later this week, Senator BENNETT and others will offer legislation that would criminalize flag desecration under specific circumstances without having to amend our Constitution. That measure would prohibit burning or destroying the flag with the intent to incite or produce imminent violence or a breach of the peace or damaging a flag that belongs to the United States or another person on U.S. lands.

Senator DURBIN will seek to add to that legislation an amendment that would prohibit groups from demonstrating or protesting near a funeral of someone who died serving in our Armed Forces. This is in response to an extremist group that has been traveling the country—it came to Delaware—and disrupting funeral services for our fallen soldiers, making outrageous claims about our country. Their behavior is reprehensible. It desecrates our flag and everything it stands for. By God, it should be illegal—that kind of behavior—and the Durbin amendment will make it illegal.

We could take up both of these measures today and pass them, I believe, without objection. We could penalize flag desecration to the fullest extent possible without jeopardizing the values inherent in our Constitution. In my view, this approach is a balanced one in that it allows us to maintain our reverence both for our flag that we love and for the Constitution we revere.

As I said earlier in my remarks this morning, I still get a lump in my throat when I sing our national anthem or say the Pledge of Allegiance to our flag and take a moment to truly consider what our flag stands for and the sacrifices made in its honor. It is a symbol of America. I love it now more than I ever have. But behind that symbol is our Constitution. It is the foundation on which our country has been built and endures today. It is what guarantees us the freedoms and the liberties that make this country of ours great. We should not amend that living document lightly, and we should not change it when we can find another way.

My friends, let's find that other way this week. Let's maintain our reverence for the flag and for our Constitution.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator please hold?

Mr. CARPER. Yes.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate having received a message from the House that the House agrees to S. Con. Res. 103, and having received the conference report on H.R. 889 from the House, the conference report is agreed to, and the motion to reconsider is laid on the table.

(The conference report is printed in the House proceedings of the RECORD on April 6, 2006.)

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

FLAG DESECRATION AMENDMENT—Continued

Mr. INOUE. Mr. President, I ask that I be permitted to use 6 minutes of my party's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I rise to speak against the proposed constitutional amendment.

Since World War II, I have been involved directly or indirectly in 13 wars and conflicts: Korea, Vietnam, the Dominican Republic, Desert One, Grenada, Lebanon, Panama, the Persian Gulf war, Somalia, Haiti, Yugoslavia, Afghanistan, and now Iraq.

In all these wars and conflicts, there are several things in common. First, American lives were lost and many young Americans were wounded and will bear scars for the rest of their lives, and we must not dishonor their memories by abandoning the freedoms for which they sacrificed.

Second, in every war, great speeches are made and delivered energizing our citizens to defend our unique American freedoms contained within the Bill of Rights. I can still hear some of those stirring words.

During the Second World War, very close friends of mine were lost. Much blood was shed to preserve every American's constitutional freedoms.

To be clear, I have no patience with those who defile our flag. It is unpatriotic and deeply offensive to those who

serve or who have served in uniform. It angers me to see symbols of our country set on fire. This objectionable expression is obscene, it is painful, it is unpatriotic, but I believe Americans gave their lives in many wars to make certain that all Americans have a right to express themselves, even those who harbor hateful thoughts.

Our country is unique because our dissidents have a voice. Protecting this freedom of expression, even when it hurts the most, is a true test of our dedication to democracy.

As a commissioned military officer and as a U.S. Senator, I took an oath to uphold and defend the Constitution. As a Senator, I have become accustomed to being insulted and condemned by people who disagree with me. I have been castigated for having cast votes that some call unpatriotic or un-American. I believe that my actions were patriotic and American, but those who criticize me have a right to disagree and express their disagreement.

It is not always easy to serve the country with a Bill of Rights that defends the rights of those who would defile our national symbol. While I take offense at disrespect to the flag, I nonetheless believe it is my continued duty as a veteran, as an American citizen, and as a United States Senator to defend the constitutional right of protesters to use the flag in nonviolent speech.

For over 200 years, our Bill of Rights has endured. It proclaims the Government of the United States is limited in its powers, and this sacred document continues to instruct and inspire people throughout the world. And for the last 200 years, despite repeated efforts to tamper with this document, we have always found the strength necessary to live within these limits.

So today we must look inside ourselves once again and find the strength to affirm our commitment to the precious liberties enshrined in the Bill of Rights.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have great respect for the Senator from Hawaii, for his service as a veteran, as well as his service in this body, but I couldn't disagree more.

Our Founders used the word "speech." They didn't say "expression" or "expressive behavior." They used the word "speech" very critically. It was discussed in the documents: What word will we use in the Bill of Rights in this first amendment?

They chose the word "speech" because they meant speech. They didn't mean behavior. They meant speech.

I think it is real important for the American people to understand what this debate is all about. It is not about burning the flag. It is about restoring the balance of the three branches of Government, and that when one of the three becomes imbalanced, that we have the right to restore that balance. Our Founders were wise in that regard